

REMARKS

Claims 1-20 are pending. Claims 1-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs. On August 9, 2004, Applicant submitted 37 CFR 1.131 affidavits from each of the inventors to overcome Jacobs. Although the Examiner references “Applicant’s 37 CFR 1.131 affidavit filed 8/16/2004,” the Examiner appears only to have considered the affidavit and evidence filed January 8, 2003 and not the affidavits and evidence submitted on August 9, 2004.

The Examiner states that the “Declaration alleged that ‘a universal serial bus (USB) interface for mass storage device as described and claimed in the application’ was conceived and developed before October 5, 2000.” (Final Office Action, p. 7). The August 9, 2004 declarations state that the named inventors conceived of and developed the claimed invention before “September 27, 2000.” The submitted declarations establish both completion of the invention prior to September 27, 2000 and Applicants’ involvement with that invention, specifically stating that the ISD-300 chip is disclosed as a preferred embodiment of their invention.

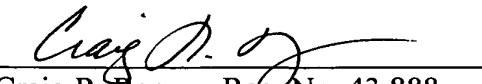
The Examiner also states that “there is no specific date on the document” and that “a close examination of the ISD-300 ASIC Product Data Sheet (Revision 0.8), page 5, submitted by the Applicant, reveals that the actual dates (‘Copyright’ date and Document Revision History) of this document have been intentionally made blank.” (Final Office Action, p. 7). This is also incorrect. These dates, although redacted from the earlier submission, were provided along with the August 9, 2004 declarations to assuage the Examiner’s previously expressed concerns. The Examiner has not provided Applicant with a copy of the data sheet that is represented by the Examiner as being “available to [that] Office.” Applicant notes, however, that the evidence submitted with the August 9, 2004 declarations shows the “Creation Date/Time” of the initial revision (0.1) as May 11, 2000, with this Revision (0.8) being dated September 4, 2000.

Finally, Applicant notes that Jacobs does not claim the same invention as recited in the claims of the present application. While Applicant acknowledges overlapping subject matter of the disclosures, the claims of the present application do not appear to be coextensive in scope and subject matter with the claims in Jacobs.

For the foregoing reasons, reconsideration and allowance of claims 1-20 of the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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ON: December 16, 2004
Deanna Brusco